

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD MAY 1, 2000 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman;
Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham;
Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla,
County Attorney

AGENDA REVIEW

Board members and staff held a work session to review the agenda.

COMMERCIAL WIRELESS MASTER SITING PLAN STATUS REPORT

George Condyles, representing Atlantic Tower Corporation (ATC), the County's telecommunications consultant, provided a status report of the Commercial Wireless Master Siting Plan.

FAUQUIER COUNTY CODE AMENDMENT PERTAINING TO PARKS AND RECREATION

A work session was held with Carl Bailey, Debby Reedy, and John Coleman, members of the Parks and Recreation Board, to discuss a proposed amendment to the Fauquier County Code pertaining to Parks and Recreation.

HEALTH INSURANCE PROGRAM PROPOSAL

A work session was held to review and discuss the County's health insurance proposal.

CLOSED MEETING

Mr. Winkelmann moved to go into a closed meeting pursuant to Virginia Code Section 2.1-344(A)(7) for consultation with legal counsel regarding potential litigation. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt

the following certification. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 1st day of May 2000, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Absent During Meeting: None

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the agenda. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

CITIZENS TIME

- Jackie Lee, Director of the Old Goal Museum, thanked the Board of Supervisors on behalf of the Fauquier Historical Society, the Fauquier Heritage and Preservation Foundation, and the United Daughters of the Confederacy, for adopting a proclamation at the April 3 meeting declaring May 14-20 as Historical Preservation Week.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the Consent Agenda. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the April 10, 2000 Special Meeting and the April 17, 2000 Regular Meeting

A Proclamation to Declare May 2000 as Mental Health Month in Fauquier County

PROCLAMATION

A PROCLAMATION TO DECLARE MAY 2000

AS MENTAL HEALTH MONTH IN FAUQUIER COUNTY

WHEREAS, mental health is critical for the well-being and vitality of our families, businesses, and communities; and

WHEREAS, mental illness will strike one in five Americans in a given year without regard to age, gender, race, ethnicity, religion or economic status; and

WHEREAS, one in five children suffers from a diagnosable mental, emotional or behavioral disorder and one in ten has a serious disorder which, if left untreated, can lead to school failure, substance abuse and even suicide; and

WHEREAS, all mental disorders collectively make mental illness the most prevalent health problem in America today – more common than cancer, and lung and heart disease combined; and

WHEREAS, mental illnesses are treatable and a majority of people who seek professional help are successfully treated; and

WHEREAS, the guiding principles of community mental healthcare have always been comprehensiveness, cost-efficiency, effective management, and high quality and consumer-responsive services, and those principles are now being adopted by private and public healthcare payers; and

WHEREAS, the National Mental Health Association and its partners celebrate National Mental Health Month each year in May to raise awareness of mental health, mental illnesses and insurance discrimination against people with mental illnesses; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 1st day of May 2000, That May 2000 be, and is hereby, declared Mental Health Month in Fauquier County, Virginia, to increase understanding of mental illnesses and the need for appropriate and equitable services for all people with mental illnesses.

FY 2000 Budget Transfers and Supplemental Appropriations in the Amount of \$499,999

RESOLUTION

A RESOLUTION TO TRANSFER AND APPROPRIATE

FUNDS IN THE AMOUNT OF \$499,999

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Sheriff's Office requested appropriation of \$3,505 for Prisoner Extradition from State funding, \$415 for DEA Group 33 Share of Forfeiture Proceeds, and \$1,498 for DEA Group 33 Overtime Reimbursement from Federal funding, \$3,035 for a vehicle collision reimbursement from Insurance and \$98,627 for Court Security Deputies funding from State funding; and

WHEREAS, Environmental Management requested appropriation of \$50,000 for recycling expenditures from the Recycling Revenue and \$110,000 to support increased Tipping Fee costs with funding from the Real Estate Tax Revenue; and

WHEREAS, \$232,919 of the FY 1999 Contingency Reserve balance be

appropriated into the FY 2000 Contingency Reserve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 1 2000, That the sum of \$499,999 be carried over, transferred, or appropriated and hereby approved as follows:

FROM			TO		
Source	Code	Amount	Department	Code	Amount
State Funds	3-100-244100-0130	\$1,417	Sheriff's Office	4-100-031200-5550	\$1,417
State Funds	3-100-244100-0130	\$2,088	Sheriff's Office	4-100-031200-5550	\$2,088
Federal Funds	3-100-331000-0040	\$415	Sheriff's Office	4-100-031230-8201	\$415
Federal Funds	3-100-331000-0040	\$1,498	Sheriff's Office	4-100-031230-1201	\$1,498
Insurance	3-100-411000-0050	\$3,035	Sheriff's Office	4-100-031200-8205	\$3,035
State Funds	3-100-230000-0020	\$98,627	Sheriff's Office	4-100-031200-1101	\$74,090
				4-100-031200-2100	\$5,894
				4-100-031200-2210	\$9,376
				4-100-031200-2310	\$8,712
				4-100-031200-2400	\$555
Recycling Funds	3-513-189000-0070	\$50,000	Environmental Mgmt.	4-513-042710-5884	\$50,000
Real Estate Tax	3-100-111001-0001	\$110,000	Environmental Mgmt.	4-100-042400-5881	\$110,000
Prior Year Fund Balance	4-100-091400-9618	\$232,919	Budget Office	4-100-091400-9618	\$232,919
TOTAL		\$499,999			\$499,999

A Resolution to Authorize the Assistant County Administrator to Submit an Updated Funding Request to the Virginia Department of Aviation (VDOA) for Consideration by the Virginia Aviation Board (VAB) at its June 2000 Meeting

RESOLUTION

A RESOLUTION TO AMEND THE FISCAL YEAR 2000-2001 PREAPPLICATION FOR COMMONWEALTH AIRPORT FUNDS AND SIX-YEAR AIRPORT CAPITAL IMPROVEMENT PROGRAM FOR THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Fauquier County Board of Supervisors approved the FY1999-2000 Commonwealth Airport Funds and Six-Year Capital Improvement Program Plan for submission on the 20th day of April 1999; and

WHEREAS, in a meeting assembled 24 April 2000, the Fauquier County Airport Committee recommended that the Fauquier County Board of Supervisors submit an amendment to the plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the amended Fiscal Year 1999-2000 Commonwealth Airport Funds and Six-year Capital Improvement Program Plan be, and is hereby, approved for submission to the Virginia Department of Aviation.

A Resolution to Authorize the County Administrator to Advertise a Public Hearing to Establish the Periodic Revalidation Fees for Property Enrolled in the Special Assessment for Land Preservation Program

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO

ADVERTISE A PUBLIC HEARING TO ESTABLISH THE PERIODIC

REVALIDATION FEES FOR PROPERTY ENROLLED IN THE

SPECIAL ASSESSMENT FOR LAND PRESERVATION PROGRAM

WHEREAS, the Board of Supervisors holds public hearings regarding changes to fees; and

WHEREAS, the Code of Virginia, §581.1-3234, authorizes localities to impose a fee every six years for revalidation of land enrolled in the special assessment for land preservation program; and

WHEREAS, during the FY 2001 budget process such fees were recommended at \$45.00 per parcel and \$0.25 per acre effective with the November 1, 2000 filing date; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the County Administrator be, and is hereby, directed to advertise a public hearing on fees for revalidation of land enrolled in land preservation.

A Resolution to Authorize the Court Services Unit Director to Submit the Virginia Juvenile Community Crime Control Act Plan on Behalf of Fauquier County

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COURT SERVICES

UNIT DIRECTOR TO SUBMIT THE VIRGINIA JUVENILE

COMMUNITY CRIME CONTROL ACT PLAN ON

BEHALF OF FAUQUIER COUNTY

WHEREAS, the Commonwealth of Virginia passed the Virginia Juvenile Community Crime Control Act (VJCCCA) in 1996 to provide funding to localities to expand their non-detention-based juvenile justice services; and

WHEREAS, the Court Services Unit Director, working with the Juvenile and Domestic Relations Court Judge, has prepared an outline of the proposed services to include electronic monitoring, intensive supervision, in-home counseling services, urinalysis, and associated administrative support; and

WHEREAS, the County is required to submit a plan to the State prior to funding being released; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the Court Services Unit Director be, and is hereby, authorized to submit the required VJCCCA plan on behalf of Fauquier County once the plan has been endorsed by the Juvenile and Domestic Relations Court Judge and the County Administrator.

A Resolution to Establish the Dates for the Board of Supervisors Regular Meetings for June, July and August

RESOLUTION

A RESOLUTION TO ESTABLISH THE DATES FOR THE BOARD OF SUPERVISORS
REGULAR MEETINGS FOR JUNE, JULY AND AUGUST

WHEREAS, Section 2.1-A of the Bylaws and Rules of Procedure for the Fauquier County Board of Supervisors stipulates that during the months of June, July and August the Board will have only one meeting per month; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the meeting dates for the Board of Supervisors during the months of June, July and August shall be as follows:

Monday, June 19, 2000

Monday, July 17, 2000

Monday, August 21, 2000

A Resolution to Change the Meeting Dates for the Board of Supervisors Quarterly
Public Information Meetings

RESOLUTION

A RESOLUTION TO CHANGE THE DATES FOR THE BOARD
OF SUPERVISORS QUARTERLY PUBLIC INFORMATION MEETINGS

WHEREAS, the Fauquier County Board of Supervisors established semi-annual public information meetings in June of 1998 in response to numerous requests from

interested members of the public to hold regularly scheduled, open, interactive public meetings to allow citizens to ask questions and receive answers relating to the policies, procedures and programs of the County government; and

WHEREAS, the Board of Supervisors recognizes that this type of open communication format will enhance the citizens' ability to communicate their concerns and questions relating to County government, as well as providing an interactive forum for the explanation of important public policy and program information by the Board of Supervisors and staff; and

WHEREAS, the Board of Supervisors has discovered that its current schedule of holding these public information meetings on the first Monday each quarter is in conflict with the Fauquier County School Board meeting; and

WHEREAS, the Board of Supervisors wishes to increase citizen access to the Board of Supervisors Public Information Meetings by changing this date to the fourth Monday each quarter; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the Board hereby directs the County Administrator to schedule and advertise the remaining quarterly Board of Supervisors Public Information Meetings to be held on Monday, July 24 in Cedar Run District and Monday, October 23 in Marshall District between the hours of 7:00 p.m. and 11:00 p.m.

A Resolution to Authorize a Public Hearing to Receive Citizen Comments on the Practice of Allowing the Department of Environmental Services to Accept \$15 Per Ton for an Estimated 24,000 Tons Per Year of Shredded Tire Material from TRI-Rinse, Inc.

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO
ADVERTISE A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON
THE PRACTICE OF ALLOWING THE DEPARTMENT OF
ENVIRONMENTAL SERVICES TO ACCEPT \$15 PER TON FOR AN
ESTIMATED 24,000 TONS PER YEAR OF SHREDDED TIRE MATERIAL
FROM TRI-RINSE, INC.

WHEREAS, the Environmental Services Department, as the agent for Fauquier County, plans to close the old landfill in CY 2005; and

WHEREAS, there is a continuing need for relatively flat well-drained land for use as athletic and multipurpose fields in Fauquier County; and

WHEREAS, it is estimated that it will take 120,000 to 150,000 tons of material to fill and landscape the old landfill to make it suitable for athletic fields; and

WHEREAS, Tri-rinse, Inc., which specializes in scrap tire abatement using a sophisticated shredding process, proposes to pay \$15.00 per ton to the Landfill Enterprise

Fund for disposal of 24,000 tons per year, thereby generating annual revenue to the fund of \$360,000; and

WHEREAS, the proposal to charge TRI-Rinse \$15.00 per ton constitutes a reduction in the tipping fee from the current rate of \$38.00 per ton; and

WHEREAS, a change in tipping fees requires a public hearing in accordance with the County Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comments on the proposed tipping fee reduction.

A Resolution to Establish a Utility Enterprise Fund

RESOLUTION

A RESOLUTION TO ESTABLISH A UTILITY ENTERPRISE FUND

WHEREAS, the Board of Supervisors supports the efforts to establish appropriate public utility services in the County; and

WHEREAS, the Board of Supervisors wishes to designate certain monies currently in the Capital Fund to support the efforts to establish appropriate public utility services in the County; and

WHEREAS, the Board of Supervisors approves transfers between funds; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That a Utility Enterprise Fund be established; and, be it

RESOLVED FURTHER, That as of July 1, 2000 the balances at that date in the following accounts be transferred from the Capital Fund to the Utilities Enterprise Fund:

Account Name	Account Code
Paris Water System	4-302-94442-8225
Auburn Dam	4-302-94820-3170
Auburn Dam	4-302-94820-8220
Auburn Dam	4-302-94820-8230
Rt. 28 Sewer	4-302-94860-3160
Rt. 28 Sewer	4-302-94860-8215
Subdivision	4-302-94880-8215
Improvements	

Preliminary Subdivision Application – Kentstone, LTD Subdivision, Scott District

No action was taken.

Preliminary Subdivision Application – Jimmy L. Hall Subdivision, Lee District

No action was taken.

Preliminary Subdivision Application – Norman Woodward Subdivision, Cedar Run District

No action was taken.

A RESOLUTION TO COMPENSATE BRUCE CASNER FOR THE ALLEGED DAMAGE TO HIS LAND AND HOME AS A RESULT OF THE OPERATION OF THE COUNTY LANDFILL

Mr. Graham moved to table the decision regarding compensation for Bruce Casner for the alleged damage to his land and home as a result of the operation of the County landfill until the May 15, 2000 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

PROPOSED FEE OF \$125.00 FOR PROCESSING TAX EXEMPT APPLICATIONS

A public hearing was held at the April 17, 2000 meeting to consider adopting a proposed fee of \$125.00 for processing tax exempt applications. Mr. Winkelmann moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION ADOPTING A FEE OF \$125.00 FOR PROCESSING APPLICATIONS FOR TAX EXEMPTION

WHEREAS, the County Administrator has requested the Board of Supervisors consider the imposition of a processing fee on applications for the consideration of a request to support applicants seeking designation as an entity exempt from local real or personal property taxation; and

WHEREAS, the Board of Supervisors held a public hearing on April 17, 2000, to receive citizen comment on the proposed fee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That a fee in the amount of \$125.00 be, and is hereby, adopted for processing applications for tax exemption.

FAUQUIER COUNTY CODE AMENDMENT – CHAPTER 12 – CONSIDER PERMITTING THE COMMISSIONER OF THE REVENUE TO CHARGE A FEE OF UP TO \$20.00 FOR APPLICATIONS TO ISSUE A BUSINESS LICENSE WHERE NO LICENSE IS REQUIRED UNDER THE CODE

A public hearing was held at the April 17, 2000 meeting to consider amending Chapter 12 of the Fauquier County Code to permit the Commissioner of the Revenue to charge a fee of up to \$20.00 for applications to issue a business license where no license is required under the Code. Ms. McCamy moved to table the decision and hold a work session for further discussion at the May 15, 2000 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO ACCEPT, ON BEHALF OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS, A DEED OF CONVEYANCE FOR 0.4993 ACRES OF LAND LOCATED ON VIRGINIA STATE ROUTE 651 IN LEE MAGISTERIAL DISTRICT

Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY

TO ACCEPT, ON BEHALF OF THE FAUQUIER COUNTY

BOARD OF SUPERVISORS, A DEED OF CONVEYANCE

CONVEYING 0.4993 ACRES OF LAND LOCATED ON

VIRGINIA STATE ROUTE 651 IN LEE MAGISTERIAL DISTRICT

WHEREAS, the Fauquier County School Board, by resolution dated April 10, 2000, has declared a 0.4993 acre parcel identified as PIN 7814-27-4121, located on Virginia State Route 651 in Lee Magisterial District and more particularly described on that plat of survey by Robert C. Baker & Associates, L.S., dated March 28, 2000, titled "Boundary Survey of the Property of Trustees for the Public Schools of Lee District in Fauquier County, VA, situated in Lee District, Fauquier County, Virginia," a copy of which plat is attached hereto and incorporated herein as surplus property; and

WHEREAS, the Fauquier County School Board has tendered a deed of conveyance conveying said surplus parcel to the Fauquier County Board of Supervisors as authorized by Virginia Code §22-1-129; and

WHEREAS, Virginia Code §15.2-1803 requires that any deed to the County of Fauquier be accepted by the County prior to its effectively transferring title to the property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the County Attorney be, and is hereby, authorized to execute a consent to the deed of conveyance of a 0.4993 acre parcel from the Fauquier County School Board, said property having a PIN 7814-27-4121, and being more particularly described in that plat of survey by Robert C. Baker & Associates, L.S., dated March 28, 2000, titled "Boundary Survey of the Property of Trustees for the Public Schools

of Lee District in Fauquier County, VA, situated in Lee District, Fauquier County, Virginia.

A RESOLUTION TO ENDORSE SUPPORT FOR THE ESTABLISHMENT OF A VIRGINIA SMALL BUSINESS DEVELOPMENT CENTER IN FAUQUIER COUNTY, VIRGINIA WITH LORD FAIRFAX COMMUNITY COLLEGE SERVING AS HOST, AND TO AUTHORIZE THE EXPENDITURE OF UP TO \$10,000 TO SUPPORT ESTABLISHMENT OF THE CENTER

Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO ENDORSE SUPPORT FOR THE ESTABLISHMENT OF A VIRGINIA SMALL BUSINESS DEVELOPMENT CENTER IN FAUQUIER COUNTY, VIRGINIA WITH LORD FAIRFAX COMMUNITY COLLEGE SERVING AS HOST, AND TO AUTHORIZE THE EXPENDITURE OF UP TO \$10,000 TO SUPPORT ESTABLISHMENT OF THE CENTER

WHEREAS, the Board of Supervisors is committed to the establishment of a Virginia Small Business Development Center in Fauquier County; and

WHEREAS, the Fauquier County Economic Development Advisory Council has unanimously voted to support the proposal for a Virginia Small Business Development Center in Fauquier County; and

WHEREAS, the Board of Supervisors supports Lord Fairfax Community College as the "host" for the Virginia Small Business Development Center; and

WHEREAS, the Board of Supervisors supports working with the Chamber of Commerce to encourage private sector business support for the Virginia Small Business Development Center; and

WHEREAS, the Board of Supervisors, with the approval of the Finance Committee, agrees to appropriate funds to support the establishment of the Virginia Small Business Development Center, contingent upon additional private and public

funds forthcoming; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the Board of Supervisors does hereby approve, upon recommendation of the Finance Committee, support for the development of a Small Business Development Center in Fauquier County with Lord Fairfax Community College serving as host; and, be it

RESOLVED FURTHER, That the Board of Supervisors recognizes Lord Fairfax Community College as the regional "host" for the Virginia Small Business Development Center; and, be it

RESOLVED FINALLY, That the Board of Supervisors does hereby approve a one-year appropriation of up to \$10,000 to support the establishment of a Virginia Small Business Development Center in Fauquier County, contingent upon additional funds from other public and private sources.

APPOINTMENTS

The following appointments were approved by unanimous consent:

- Peter Schwartz was appointed to the Capital Improvement Program Committee representing Marshall District. Mr. Schwartz's term will expire December 31, 2003.
- Alice Jane Childs was reappointed to the Library Board representing Cedar Run District for a four-year term to expire June 30, 2004.
- Virginia Dorkey was reappointed to the Library Board representing Lee District for a four-year term to expire June 30, 2004.
- Bethann Rome was nominated to be recommended to the Governor of Virginia for appointment to the Workforce Investment Board.

SUPERVISORS TIME

- Mr. Graham requested Board support in asking the staff to develop a proposed management initiative program to reward departments for money saving efforts. Mr. Graham asked that this be the subject of a future work session.
- Mr. Lee announced that the Board of Supervisors' efforts to obtain approval for expanding membership on the Community Services Board was rejected at the Rappahannock County Board of Supervisors meeting earlier in the day.
- Mr. Lee announced that the Board of Supervisors would meet the third Monday of each month for the months of June, July and August.

- Ms. McCamy announced that the Bealeton/Remington/Opal Service Districts Planning Committee would meet on Tuesday, May 2 at 4:30 p.m. in the 4th floor conference room.

ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 5, PART 1 (CATEGORY 1, RESIDENTIAL USES), 5-105.1, STANDARDS FOR AN ADMINISTRATIVE PERMIT FOR A FAMILY APARTMENT

A public hearing was held to consider a Zoning Ordinance text amendment to Article 5, Part 1 (Category 1, Residential Uses), 5-105.1, Standards for an administrative permit for a family apartment to increase the allowed gross floor area permitted in family dwelling units from eight hundred square feet to twelve hundred square feet. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

**ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 5, SPECIAL
PERMITS AND SPECIAL EXCEPTIONS, PART 1, (CATEGORY 1
RESIDENTIAL USES), SECTION 5-105, STANDARDS FOR
AN ADMINISTRATIVE PERMIT FOR A FAMILY APARTMENT TO
INCREASE THE ALLOWED GROSS FLOOR AREA PERMITTED
IN FAMILY DWELLING UNITS FROM EIGHT HUNDRED (800)
TO TWELVE HUNDRED (1200) SQUARE FEET**

WHEREAS, the Fauquier County Zoning Ordinance, Article 5, Special Permits and Special Exceptions, Part 1, (Category 1 Residential Uses), Section 5-105, Standards for an Administrative Permit for Family Apartment currently allows 800 square feet of gross floor area for a family apartment; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 1st day of May 2000, That Article 5 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

ARTICLE 5, SPECIAL PERMITS AND SPECIAL EXCEPTIONS, PART 1,
(CATEGORY 1 RESIDENTIAL USES), SECTION 5-105, STANDARDS FOR AN
ADMINISTRATIVE PERMIT FOR A DWELLING UNIT

5-105 Standards for an administrative permit for a Family Dwelling Unit

1. Such a unit shall not be occupied by more than three (3) persons, at least one of which must be the natural or adopted parent, grandparent, child, grandchild, brother or sister of the owner and occupant of the single family residence on the same lot.
2. Such a unit shall contain no more than 1200 square feet of gross floor area.
3. No dwelling units other than the principal structure (a single family dwelling) and one such family apartment shall be located on one lot.
4. It shall be unlawful for rent to be charged to the occupancy of such a unit for two (2) years following the date it passes final inspection by the County Building Official.
5. When such a unit is no longer needed by a member of the owner's family and the two year period described in Paragraph 4 has expired, the unit can be considered a nonconforming use and as such can be rented to anyone.

**ZONING ORDINANCE TEXT AMENDMENT – SECTION 6-102.28, PERMITTED
ACCESSORY USES**

A public hearing was held to consider a Zoning Ordinance text amendment to Section 6-102.28, Permitted Accessory Uses, to permit the on-site consumption of wine as an accessory use for wine produced by that winery. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE ADDING SECTION 6-102.28 TO THE FAUQUIER COUNTY ZONING ORDINANCE PERMITTING AS ACCESSORY USE FOR WINERIES THE ON-SITE SALE OF WINE PRODUCED BY THE WINERY

WHEREAS, the Fauquier County Zoning Administrator has, by written interpretation, opined that the sale of more than a taste or sampling of wine by a winery for on-site consumption results in the winery establishing a restaurant use; and

WHEREAS, the Fauquier County Board of Zoning Appeals has upheld the interpretation of the Zoning Administrator; and

WHEREAS, a subsequent review of wineries located in Fauquier County indicates that all wineries located within the County sell, for on-site consumption of wine, produced by the winery in amounts of more than a taste or a sampling; and

WHEREAS, after due notice and public hearing, the Board of Supervisors, by the adoption of this Ordinance, does deem it to be in the best interest of the citizens of the County to add Section 6-102.28 to the Fauquier County Zoning Ordinance; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the adoption of this amendment is required by public necessity, convenience, general welfare and good zoning practice; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 1st day of May 2000, That Section 6-102.28 of the Fauquier County Zoning Ordinance be, and is hereby, added as follows:

Section 6-102.28.

The sale of wine for on-site consumption of wine produced by that winery.

ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 3, SECTION 3-400, FOOTNOTE 15, AND THE ADDITION OF FOOTNOTE 16

A public hearing was held to consider a Zoning Ordinance text amendment to Article 3, Section 3-400, footnote 15 and to add footnote 16 to permit cluster development for single family detached homes in the R-4 and TH Zoning Districts. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Ms. McCamy seconded, and the vote for the motion was

unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3, SECTION 3-400, REGARDING USE REGULATIONS FOR THE RESIDENTIAL (R-4) AND TOWNHOUSE (TH) ZONING DISTRICTS

WHEREAS, the Fauquier County Zoning Ordinance, Article 3, does not provide single family detached home cluster development standards in the R-4 and TH Zoning Districts; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 1st day of May 2000, That Article 3 of the Fauquier County Zoning Ordinance, be and is hereby, amended as follows:

ARTICLE 3, DISTRICT REGULATIONS, PART 3, USE LIMITATIONS AND REGULATIONS

USE LIMITATIONS RC RA RR-2 V R-1 R-2 R-3 R-4¹⁵ TH¹⁶

ARTICLE 3, DISTRICT REGULATIONS, PART 4, USE REGULATIONS, SECTION 3-400, FOOTNOTE 15 AND 16

15. In the R-4 Zoning District for Single Family detached cluster development, the minimum lot size shall be 5,000 square feet, the minimum lot width shall be 50 feet, and the side yards shall total twelve (12) feet with a minimum side yard of five (5) feet. Please note that the minimum lot size for single family attached cluster remains as 1,800 square feet.
16. In the TH-Zoning District, for conventional and cluster single family detached development, the density, lot size, lot width and bulk requirements shall be the

same as those for conventional as cluster developments as specified for the R-4 Zoning District.

SPECIAL EXCEPTION – DOMINION CUSTOM HOMES, INC., OWNER, AND DOUGLAS CURRY, APPLICANT

A public hearing was held to consider a request for special exception approval for Dominion Custom Homes, Inc., Owner, and Douglas Curry, Applicant, to waive the Type I Public Street requirement in the R-1 zoning district. The property is zoned Residential (R-1), contains 2.25 acres, and is located on the east side of Green Road (Route 674) in Hurleyville, Cedar Run District, PIN #6991-38-3325-000). No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST

#SE00-CR-03

DOMINION CUSTOM HOMES, INC., PROPERTY OWNER/APPLICANT

WAIVER OF PUBLIC STREET REQUIREMENT IN RESIDENTIAL ZONES

WHEREAS, the Property Owner and Applicant, Dominion Custom Homes, Inc., Douglas L. Curry, Representative, has filed an application for special exception approval to waive the Type I Public Street requirement in the R-1 zoning district, pursuant to Fauquier County Zoning Ordinance Section 3-329 (Waiver of Public Street requirement in Residential Zones); and

WHEREAS, the special exception application has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence, both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board finds that the more restrictive standards of Sections 5-2900 of said Zoning Ordinance are met in this application;

and

WHEREAS, the Fauquier County Planning Commission held a public hearing on this special exception request on March 30, 2000, and voted unanimously to recommend approval subject to three (3) conditions; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on this special exception request on May 1, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That Special Exception #SE00-CR-03, Dominion Custom Homes, Inc., Property Owner and Applicant, Douglas L. Curry, Representative, property identified as PIN# 6991-38-3325, be, and is hereby, approved subject to the following conditions:

CONDITIONS

1. An appropriately sized driveway culvert will need to be installed.
2. The driveway should be constructed to a minimum width of 12 feet with grass shoulders.
3. Resultant development shall be in substantial conformance with the special exception plat.

REZONING REQUEST – HENRY CLAY LANE, JR., OWNER, AND MERCO REALTY CORPORATION, APPLICANT

A public hearing was held to consider a request from Henry Clay Lane, Jr., Owner, and MERCO Realty Corporation, Applicant, to rezone 9.183 acres of a 25.3621 acre parcel from R-4 (Residential) to C-2 (Highway Commercial) in order to accommodate a retail furniture outlet. The property is located at the intersection of future Route 622 and Route 17 in the Marshall Service District, PIN # 6969-98-3167, Marshall District. Jim Carson and Frank Payne, representing the applicant, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST #RZ99-M-09,

HENRY LANE, OWNER/MERCO REALTY, APPLICANT

WHEREAS, the owner, Henry Lane, and applicant, Merco Realty, have initiated a request to amend the Fauquier County Zoning Map by changing the designation for 9.183 acres of a 25 acre parcel, identified by parcel identification number 6969-98-3167, from R-4 to Commercial Highway (C-2); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13-202; and

WHEREAS, the 9.183 acres are situated within the Marshall Service District; and

WHEREAS, the proposed rezoning is in conformance with the Fauquier County Comprehensive Plan; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on November 18, 1999, regarding this rezoning request; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval; and

WHEREAS, the Board of Supervisors on May 1, 2000, held a public hearing on this rezoning request; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; and

WHEREAS, the Board of Supervisors, by the adoption of this ordinance, finds that the standards of the Fauquier County Zoning Ordinance for zoning amendments including, but not limited to, those standards contained in Section 13-201 et seq. "Amendments" are satisfied by the rezoning of the 9.183 acres which is the subject of this rezoning application a Commercial Highway zoning district; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 1st day of May 2000, That Rezoning Request #RZ99-M-09 to change the zoning designation for 9.183 acres off of Route 17 and future Route 622, identified as PIN #6969-98-3167, from R-4 to Commercial Highway (C-2) be, and is hereby, approved subject to the proffers submitted herein which shall become part of the zoning as provided by Section 13-201 et seq. of the Fauquier County Zoning Ordinance.

COMPREHENSIVE PLAN CONFORMANCE DETERMINATION AND SPECIAL EXCEPTION – L.J. EVANS, OWNER, AND AMERICAN TOWER CORPORATION, APPLICANT

A public hearing was held to consider a determination as to whether the location of a telecommunications tower associated with the special exception is in accord with the Code of Virginia, Section 15.2-2232 and to consider a request for special exception approval to allow for the construction of a 190 foot communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 252.272 acres, and is located on the north side of Lee Highway (Route 15/29), PIN #6995-37-7015-000, Scott District. Merle Fallon, representing American Tower Corporation, spoke in favor of the request. Kitty Smith and Jim Stone spoke in opposition. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 1 as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: Mr. Harry Atherton

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION (#SE99-S-29)

AMERICAN TOWER CORPORATION, APPLICANT

WHEREAS, L. J. (Bud) Evans, owner, and American Tower Corporation, applicant, has requested special exception approval under Category 20 of the Zoning Ordinance to allow for the construction and operation of a 190 foot tower and related equipment to be located on the north side of Lee Highway just northeast of the Warrenton Service District; and

WHEREAS, a public hearing was held by the Planning Commission after being duly advertised; and

WHEREAS, at its March 30, 2000, meeting the Planning Commission made the determination that the applicant's request was in conformance with the County's adopted Comprehensive Plan; and

WHEREAS, at its March 30, 2000, meeting the Planning Commission voted to recommend to the Board of Supervisors approval of the special exception request of

the applicant for a telecommunications tower and related equipment; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 1st day of May 2000, That the Board does approve the special exception request of L. J. (Bud) Evans, owner, and American Tower Corporation, applicant (PIN #6995-37-7015-000 and #6995-38-2245-000), for a telecommunications tower under Category 20 of the Zoning Ordinance subject to the following conditions:

1. The use shall comply with all FAA requirements at all times.
2. The tower shall be lighted only to meet FAA requirements with no additional lighting permitted.
3. The height of the tower shall not exceed 180 feet.
4. The tower structure of this special exception telecommunications facility request shall be of a monopole type construction.
5. The tower shall be painted appropriately so as to minimize visual impact as permitted by FAA regulations.
6. A landscaping plan will be submitted with the site plan.
7. Prior to the issuance of a zoning permit, one (1) telecommunications provider shall have an executed lease with the applicant. The applicant shall provide written documentation to the Fauquier County Zoning Administrator in the event that any future co-location cannot be accommodated.
8. The applicant shall provide to the County public service agencies, at no cost to the locality, one acceptable site on the tower and necessary space in the equipment room.
9. Annual Report. The owner of each antenna or tower shall submit a report to the Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.
10. Antenna and Tower Removal. Any antenna or tower shall be disassembled and removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunication towers, fence footers, underground cables and landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

COMPREHENSIVE PLAN CONFORMANCE DETERMINATION AND SPECIAL

EXCEPTION – MYLOUS M. MARSENGILL, OWNER, AND AMERICAN TOWER CORPORATION, APPLICANT

A public hearing was held to consider a determination as to whether the location of a telecommunications tower associated with the special exception is in accord with the Code of Virginia, Section 15.2-2232, and to consider a request for special exception approval to allow for the construction of a 190 foot monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 27.4 acres, and is located on Dumfries Road (Route 606), PIN #7932-48-5817-000, Cedar Run District. Merle Fallon, representing American Tower Corporation, asked that this request be postponed for one year. Kitty Smith asked that the Board not table this request. No one else spoke. The public hearing was closed. Mr. Graham moved to table the request for a one year period subject to the following conditions: (a) that, unless withdrawn in accordance with condition (b) herein, the application shall be readvertised and another public hearing held to receive additional citizen comments if the application is removed from the table for consideration by the Board of Supervisors; and (b) that should the tower approved in special exception #SE99-CR-42 be built within one year from its approval the Board of Supervisors does hereby accept the applicant's offer to withdraw the application. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

COMPREHENSIVE PLAN CONFORMANCE DETERMINATION AND SPECIAL EXCEPTION – CATLETT VOLUNTEER FIRE COMPANY, OWNER, AND CROWN CASTLE ATLANTIC, LLC, AND BELL ATLANTIC MOBILE SYSTEM, INC., APPLICANTS

A public hearing was held to consider determination as to whether the location of a telecommunications tower associated with the special exception is in accord with the Code of Virginia, Section 15.2-2232, and to consider a request for special exception approval to allow for a telecommunications facility. The property is zoned Commercial-1 (C-1), contains 9.98 acres, and is located on Catlett Road (Route 28) at Gaskins Lane (Route 796), adjacent to the Southern Railway Line, PIN #7922-93-4822-000, Cedar Run District. James Downey, representing Crown Castle Atlantic, LLC and Bell Atlantic Mobile System, Inc., spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE99-CR-42

BELL ATLANTIC MOBILE SYSTEMS, INC., APPLICANT

WHEREAS, Catlett Volunteer Fire Company, owners, and Bell Atlantic Mobile Systems, Inc., applicant, has requested special exception approval under Category 20 of the Zoning Ordinance to allow for the construction and operation of a 180 foot tower and related equipment to be located on Catlett Road (Route 28) at its intersection with Gaskins Road (Route 696), Cedar Run District; and

WHEREAS, a public hearing was held by the Planning Commission after being duly advertised; and

WHEREAS, at its March 30, 2000, meeting the Planning Commission made the determination that the applicant's request was in conformance with the County's adopted Comprehensive Plan; and

WHEREAS, at its March 30, 2000, meeting the Planning Commission voted to recommend to the Board of Supervisors approval of the special exception request of the applicant for a telecommunications tower and related equipment; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 1st day of May 2000, That the Board does approve the special exception request of Catlett Volunteer Fire Company, owners, and Bell Atlantic Mobile Systems, Inc., applicants (PIN #7922-93-4822-000) for a telecommunications tower under Category 20 of the Zoning Ordinance subject to the following conditions:

1. The use shall comply with all FAA requirements at all times.
2. The tower shall be lighted only to meet FAA requirements with no additional lighting permitted.
3. The height of the tower shall not exceed 180 feet.

4. The tower structure of this special exception telecommunications facility request shall be of a monopole type construction.
5. The tower shall be painted appropriately so as to minimize visual impact as permitted by FAA regulations.
6. A landscaping plan will be submitted with the site plan.
7. Prior to the issuance of a zoning permit, one (1) telecommunications provider shall have an executed lease with the applicant. The applicant shall provide written documentation to the Fauquier County Zoning Administrator in the event that any future co-location cannot be accommodated.
8. The applicant shall provide to the County public service agencies, at no cost to the locality, one acceptable site on the tower and necessary space in the equipment room.
9. Annual Report. The owner of each antenna or tower shall submit a report to the Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.
10. Antenna and Tower Removal. Any antenna or tower shall be disassembled and removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunication towers, fence footers, underground cables and landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

COMPREHENSIVE PLAN CONFORMANCE DETERMINATION AND SPECIAL EXCEPTION – HOWARD L. AND JANE M. GROVE, OWNERS, AND NATIONAL COMMUNICATION TOWERS, APPLICANT

Ms. McCamy abstained from consideration of this request because the owners are relatives.

A public hearing was held to consider a determination as to whether the location of a telecommunications tower associated with the special exception is in accord with the Code of Virginia, Section 15.2-2232, and to consider a request for special exception approval to allow for the construction of a communications facility, including a maximum 199 foot tower and related equipment buildings. The property is located on the west side of Shippo Store Road (Route 637) and Marsh Road (Route 17), PIN #7806-78-9041-000, Lee District. John Sinclair, representing National Communication Towers, spoke in favor of the request and presented a letter asking that the request be tabled until letters of intent could be obtained from potential users of the proposed tower. Morgan Ott and Merle Fallon spoke in favor of the request.

No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution denying the request. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: Ms. Sharon McCamy

RESOLUTION

A RESOLUTION OF DENIAL FOR SPECIAL EXCEPTION #SE99-L-10

HOWARD L. AND JANE M. GROVE, OWNERS, AND

NATIONAL COMMUNICATION TOWERS, LC, APPLICANT

WHEREAS, Howard L. and Jane M. Grove, owners, and National Communication Towers, LC, applicant, wish to obtain special exception approval under Category 20 of the Zoning Ordinance to allow for the construction of a communication facility, including a maximum 199' tower and related equipment buildings for the owner's property on Shipps Store Road (Route 637); and

WHEREAS, the Fauquier County Planning Commission held a public hearing on the request at their meeting on April 29, 1999, at which time a number of citizens spoke in opposition to the request; and

WHEREAS, at its meeting on May 27, 1999, the Planning Commission recommended denial of the proposed special exception request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 1st day of May 2000, That the request of Howard L. & Jane M. Grove, owners, and National Communication Towers, LC, applicant, be denied based upon the following reasons:

1. Tower structure is utility in use and in an Agriculturally Zoned area. Virginia Power Substation with land available in "Utility" use would be more appropriate. This property is less than 1000' from the proposed site.
2. Virginia Power has existing High Voltage Power Line structures in the general vicinity. The carriers with FCC Licenses could use the Fort Worth Tower "Power Mount" product to locate on an existing structure. The AGL would be 120' to 140' of AGL. The Electromagnetic Energy Fields from the

Virginia Power High Voltage Lines would not interfere with the Digital Signal from the PCS, CDMA and SMR Carriers.

3. This site has been given as a generalized area for the County's proposed 800 MHz Radio System. The estimated AGL for the County System is 250' to 300' of AGL. This proposed facility could not be used due to lack of height or AGL.

With no further business, the meeting was adjourned.